

MINUTES
CLAY COUNTY PLANNING COMMISSION
7:00 P.M., TUESDAY, NOVEMBER 21, 2017
MEETING ROOM B - THIRD FLOOR COURTHOUSE

Members Present: Mark Klevgaard, Tom Jensen, Jenny Mongeau, Curt Stubstad, Bill Davis, Dan Langseth, Randy Schellack, Tim Brendemuhl.

Members Absent: Amos Baer, Andrea Koczur, Joel Paulsen

Others Present: Tim Magnusson, Lynne Spaeth, Jenny Samarzja, Michael Wagner, Todd Thompson, Tim Thompson, Keith Langseth, Scott Hall, Rick Donovan, Alvin Hanson, Scott Dahms, Brent Maesse, Tammy Maesse, Dave McLaughlin.

APPROVAL OF AGENDA

On motion by Jenny Mongeau, seconded by Tim Brendemuhl, and unanimously carried, the Planning Commission approved the Agenda.

APPROVAL OF MINUTES

On motion by Dan Langseth, seconded by Randy Schellack, and unanimously carried, the Planning Commission approved the October 17, 2017 minutes as presented.

CITIZENS TO BE HEARD

CLAY COUNTY – PROPOSED ZONING MAP AMENDMENT: RESOURCE PROTECTION-WELLHEAD PROTECTION OVERLAY ZONING DISTRICT

The County is considering an amendment to the zoning map which would change the extent of the Resource Protection-Wellhead Protection overlay zone in the area east of Barnesville, MN. The City of Barnesville recently completed an update to its Wellhead Protection Plan and significantly reduced the size of its Drinking Water Supply Management Area (DWSMA). Due to this reduction of the DWSMA, Clay County proposes to reduce the coverage of the Resource Protection-Wellhead Protection overlay zoning district to match the new DWSMA. The proposed change would affect certain properties in Sections 20, 21, 27, 28, 29, 32 and 33 of Humboldt Township.

On motion by Bill Davis, seconded by Curt Stubstad, and unanimously carried, the Planning Commission opened the public hearing.

Planning Director, Tim Magnusson provided a presentation and showed aerial photos of the current overlay district and what is being proposed.

The City of Barnesville completed their first Wellhead Protection Plan in 2004. This Plan is reviewed and updated every 10 years. Because of that plan they designated a Drinking Water Supply Management Area (DWSMA). The DWSMA is an area that requires additional protection so land uses within it do not adversely affect the drinking water supply. Clay County established

and placed the Resource Protection-Wellhead Protection (RP-WH) overlay zoning district on the DWSMA for protection.

Subsequently, Magnusson said that Barnesville updated their Wellhead Protection Plan in 2014, and adopted a new much smaller DWSMA than in 2004. The DWSMA area has decreased while the RP-WH overlay zone area has remained the same. Therefore, the RP-WH zone currently covers over 2.5 square miles of area no longer included in the DWSMA. This is the reason for considering reducing the RP-WH overlay zone size so that it coincides with the area of Barnesville's 2014 DWSMA.

Furthermore, Magnusson stated that he had been in contact with Mike Rietz, the Barnesville City Administrator, and Rietz concurs with reducing the RP-WP overlay zone to match the new DWSMA.

Magnusson reminded the Planning Commissioners that the decision is only a recommendation and will be forwarded to the County Board for their review and final action.

On motion by Tim Brendemuhl, seconded by Bill Davis, and unanimously carried, the Planning Commission closed the public hearing.

The area of the overlay around Barnesville was discussed. Magnusson explained the limitations put on the land. The Planning Commission discussed the proposal and had no issues.

On motion by Curt Stubstad, seconded by Mark Klevgaard, and unanimously carried, the Planning Commission recommended the proposal to change the extent of the Resource Protection-Wellhead Protection overlay zone in the area east of Barnesville, to the County Commission for final approval.

OTHER BUSINESS:

- **BAKER ISSUE: MICHAEL WAGNER TO ADDRESS PLANNING COMMISSION:**

Michael Wagner approached the Commission. Tom Jensen advised Wagner of the time restraints for stating his case. Wagner notified the Commission that he had a couple of topics he wanted to discuss.

First, Wagner recapped the history of the property he bought from the County, how an error in the title was made by the County and the disruption it had cost him. He said he has since cleaned up the property. He feels everyone makes mistakes, even the County. Magnusson advised him that he needed a building permit from the Planning Office. Wagner emphasized that he did not know about the setbacks and did not intentionally encroach on any property. He stated his home had been there for a year and a half and there was never a problem until September. He said he was given 30 days to come into compliance and since the ground was frozen before 30 days, he needs more time because of his resources. Wagner said he has every intention of being compliant but would like to wait until spring. He has an upcoming court date and implored that he be allowed more time

to comply and that the County Attorney's Office dismiss the action.

Next, Mr. Wagner stated that since the charges were filed against him, he has looked around at land, visited with adjacent neighbors and found other non-compliant issues and possible violations. Wagner prepared exhibits for review regarding the other issues that he feels should be addressed.

Jensen interposed and asked what the other issues were. Wagner explained they were possible violations within the Baker area. Jensen advised him to submit everything to the Planning Office. Magnusson clarified that he had visited with Wagner and assured him he was on the Agenda.

Jenny Samarzja interjected to clarify to Mr. Wagner that the Planning Commission did not have the authority to act on the issues he is presenting. Moreover, Mr. Wagner was welcome to voice his issues but that the Commission has no legal authority to find violation. That all rests in the Planning Director's hands. Samarzja expounded that the process was to submit information to the Planning Office and they will do an investigation. If there is a violation, there would be an attempt to reconcile and if not, a citation would be issued. Mr. Wagner was advised to talk to Magnusson and Brian Berg if necessary. Wagner concluded he would come to the Planning Office the following day.

Commissioner Mongeau articulated how this issue began in the late summer, and the County's steps and deadlines were clear on what needed to be done. The negotiations should have happened long before this point, not after.

The chair asked if anyone wanted to speak on this issue.

- **DISCUSSION – DRAFT RENEWABLE ENERGY ORDINANCE:**

Magnusson informed the Commission that solar energy companies have recently been soliciting county residents for land leases intended for commercial sized solar farms. Our current ordinance makes allowance for very small scale solar projects but only as accessory uses to residential or agricultural structures. Magnusson has had to inform the energy companies that the current County Code does not make any provisions for the development and construction of larger, commercial scale solar facilities.

Magnusson anticipates applications for commercial scale solar projects will be coming. Hence, he recommends the County consider adopting regulations and standards for such facilities. As a component of that recommendation, he suggests the County consolidate the current Wind Energy Ordinance and new Solar Energy Ordinance into a sole "Renewable Energy Ordinance." Magnusson provided a revised copy of a combined ordinance (wind/solar) that was adopted by Murray County, Minnesota, for review and to use as a template for drafting Clay County's new combined ordinance. He would like the Planning Commission to work with the Planning Office for the next few months to draft a new ordinance in time to be adopted by early spring.

Jensen suggested a committee be formed. Bill Davis, Jenny Mongeau, Randy Schellack and Curt Stubstad volunteered and will schedule a meeting.

Adjourn:

On motion by Jenny Mongeau, and seconded by Curt Stubstad, the meeting adjourned at 7:33 p.m.

Thomas Jensen, Planning Commission Secretary